

Serial No. 09/891,696
Response dated January 11, 2006
Reply to Office Action of October 11, 2005

Attorney Docket No. PN01032AA

REMARKS/ARGUMENTS

Claims 1, 11, 35, 36, 38 through 40 and 42 remain in this application. Claims 1 and 35 have been amended.

Claims 1, 11, 35, 36, 38 through 40 and 42 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,026,375 to Hall, et al. ("Hall, et al. patent") in view of U.S. Patent No. 6,909,708 to Krishnaswamy, et al. ("Krishnaswamy, et al. patent").

Regarding claims 1 and 11, the above Advisory Action states that a response formulated based on capabilities of a communication device is a very fundamental issue, and capabilities as claimed has many interpretations. Thus, Applicants hereby amend independent claim 1 to more clearly define the capability or capabilities referenced to formulate the response.

Claim 1 as amended provides, *inter alia*, formulating a response concerning the order and the reply in which the response is formulated based on capabilities of a display of the device. Support for the added recitation is provided at page 8, lines 6 through 8, of the specification. The above Office Action admits that the Hall, et al. patent does not describe or suggest formulating a response concerning said order and said reply. Similarly, the Krishnaswamy, et al. patent also does not describe or suggest formulating a response concerning the order and the reply in which the response is formulated based on capabilities of the device display, as required by amended claim 1. Therefore, claim 1 distinguishes patentably from the Hall, et al. patent, the Krishnaswamy, et al. patent, and the combination of these patents.

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Claim 11 depends from and includes all limitations of independent claim 1 as amended. Therefore, claim 11 distinguishes patentably from the Hall, et al. patent, the Krishnaswamy, et al. patent, and the combination of these patents for the reasons stated above for claim 1.

Regarding claims 35, 36, 38 through 40 and 42, the above Advisory Action states that the difference between the present invention and the cited references should be in the claims. Thus, Applicants hereby amend independent claim 35 accordingly.

Claim 35 as amended provides, *inter alia*, accessing a database having information relevant to said user and preferences related to said goods or services in response to receiving the request for the goods or services. In contrast, the Hall, et al. patent and the Krishnaswamy, et al. patent do not describe or suggest accessing a database having information relevant to said user and preferences related to said goods or services in response to receiving the request for the goods or services, as required by amended claim 35. Therefore, claim 35 distinguishes patentably from the Hall, et al. patent, the Krishnaswamy, et al. patent, and the combination of these patents.

Claims 36, 38 through 40 and 42 depend from and include all limitations of independent claim 35 as amended. Therefore, claims 36, 38 through 40 and 42 distinguish patentably from the Hall, et al. patent, the Krishnaswamy, et al. patent, and the combination of these patents for the reasons stated above for claim 35.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1, 11, 35, 36, 38 through 40 and 42 are respectfully requested.

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CONCLUSION

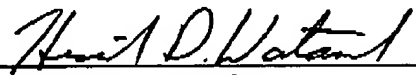
No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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